

## **TO THE PUBLIC AND RESIDENTS OF VERNAL CITY:**

Notice is hereby given that the **VERNAL CITY PLANNING COMMISSION** will hold a regular meeting on **Tuesday, March 8, 2016 at 7:00 p.m.** in the Vernal City Council Chambers at 374 East Main Street, Vernal, Utah.

# **AGENDA**

### **A. STANDING BUSINESS**

1. Welcome and Designation of Chair and Members
2. Approval of Minutes of February 9, 2016 Regular Meeting (**TAB 1**)

### **B. PUBLIC HEARING – 7:05 PM**

1. Request for Recommendation to Consider Amending the Vernal City Municipal Planning and Zoning Code – Chapters 16.04, 16.20, 16.26, 16.48, 16.50, and 16.52 – Adding “Data Center” as a Use – Ordinance No. 2016-03 – Allen Parker (**TAB 2**)

### **C. ACTION ITEMS**

1. Request for Recommendation to Consider Amending the Vernal City Municipal Planning & Zoning Code - Repealing Sections 9.32.020, 16.24.055 and 16.24.080, Amending Section 16.04.240 and Adding Section 16.20.350 – Fencing Regulations - Allen Parker (**TAB 3**)

### **D. ADJOURN**

# MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers - 374 East Main Street, Vernal, Utah

February 9, 2016

7:00 pm

**Members Present:** Kimball Glazier, Rory Taylor, Kathleen Gray, Jim Linschoten, Ken Latham, and Samantha Scott

**Members Excused:** Adam Ray

**Alternates Present:** Brock Smith

**Alternates Excused:**

**Staff Present:** Allen Parker, Assistant City Manager; Corey Coleman, Building Official; and Gay Lee Jeffs, Administrative Clerk.

**WELCOME AND DESIGNATION OF CHAIR AND MEMBERS:** Chair Kimball Glazier welcomed everyone present to the meeting.

**APPROVAL OF MINUTES FROM JANUARY 12, 2016:** Chair Kimball Glazier asked if there were any changes to the minutes from January 12, 2016. There being no corrections, *Samantha Scott moved to approve the minutes of January 12, 2016 as presented. Rory Taylor seconded the motion. The motion passed with Kathleen Gray, Jim Linschoten, Ken Latham, and Samantha Scott voting in favor.*

**REQUEST FOR RECOMMENDATION TO CONSIDER REPEALING SECTIONS 9.32.020, 16.24.055 AND 16.24.080, AMENDING SECTION 16.04.240 AND ADDING SECTION 16.20.350 TO THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE –ALLEN PARKER:** Allen Parker informed the Commission that the request is for changes to the fence Code. It has been talked about at three other meetings. Mr. Parker stated that the basis for the request is to consolidate the fence Code and not make any significant changes. Make it easy to reference and operate in one location. Make conditional use permits more clear. Kimball Glazier opened the public hearing to receive comment. There being no public comment, Mr. Glazier closed the public hearing. The Commission discussed Section 16.04.204 as being an erroneous section in the Code. Mr. Parker stated that Section 16.20.350 is being added to replace Sections 9.32.020, 16.24.055 and 16.24.080. The Commission had questions about Section 16.20.350 Item A.3 – fences along parcel frontages in side or rear yards and the clear vision triangle. Mr. Parker explained that the wording is part of deciphering the old Code and changing where the commas were located in the old Code. It does not need to stay the same it can be updated if the Commission chooses. The Commission does not want to limit fences along parcel frontages in side or rear yards to four feet and would like to make the change to six feet. Rory Taylor questioned the wording of Section 16.20.350 Item C.2. Mr. Parker stated that section needs to be reworded. *Samantha Scott moved to table the request until next month. Kathleen Gray seconded the motion. The motion passed with Kimball Glazier, Rory Taylor, Kathleen Gray, Jim Linschoten, Ken Latham, Samantha Scott and Brock Smith voting in favor.*

49 **REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL**  
50 **CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTER 16.28 – SIGNS –**  
51 **ALLEN PARKER:** Allen Parker stated that the request is adding a section on inflatable signs  
52 that does not currently exist in the Vernal City Code, correcting issues on pole signs, adding  
53 verbiage under the set-back section for several different signs that is more specific of the clear  
54 vision triangle, pulling the building officials name out of planning decisions that will now allow  
55 Vernal City to appoint someone to make approvals by department and cleaned up some other  
56 things.

57  
58 Allen Parker clarified each change to the Commission, beginning with Section 16.28.060  
59 referencing pole signs. If a sign extends above the peak of the roof, then it will be considered a  
60 pole sign and must follow the specifications of a pole sign. If it does not exceed above the peak  
61 of the roof, it will be considered a wall sign and must follow the specifications of a wall sign.  
62 Mr. Parker stated that pole signs cannot violate the clear vision triangle. The design of the pole  
63 sign was also added to the Code. Kimball Glazier asked what the difference is between a wall  
64 sign and a pole sign. Mr. Parker explained that a pole sign has a height restriction, it has  
65 separation requirements, only one per property, the size of the pole sign is based on the length of  
66 the frontage and a wall sign is limited based on the size of the façade to 25 percent of the overall  
67 size of the façade. Mr. Parker stated that it is common with other Cities to be more restrictive  
68 than Vernal City. Mr. Parker also stated that grandfathered signs will not be affected unless  
69 changes will be made to that particular sign outside of grandfather status.

70  
71 Allen Parker stated that a new section had been added to the Code, Section 16.28.083 Inflatable  
72 Signs – Currently, inflatable signs are not permitted in the Code. Inflatable signs have been used  
73 within Vernal City and to make sure there is not a safety issue, it should be regulated. The  
74 section mimics the rest of the sign Code. Mr. Parker read the inflatable sign definition to the  
75 Commission. The Commission questioned if objects such as inflatable bounce houses and  
76 holiday yard inflatables would also fall into that category. Mr. Parker stated that is would  
77 include bounce houses and holiday yard inflatables. Mr. Parker suggested that “for advertising  
78 purposes” should be added to the definition. Mr. Parker read the time limit, size, placement and  
79 design portion of the Code for inflatable signs. The Commission discussed allowing more than  
80 one inflatable per parcel, size restrictions and what restrictions other types of signs might have.  
81 Mr. Parker explained that allowing more than one inflatable would take up required parking  
82 spaces Mr. Parker also stated that other types of signs are very restrictive. The Commission  
83 discussed taking up a percentage of parking spaces for the time limit of the inflatable sign. Mr.  
84 Parker suggested adding “cannot take up more than five spaces or 30% of required parking,  
85 whichever is more restrictive” to the Code. Rory Taylor asked about putting more than one  
86 inflatable sign on the roof if it would be permissible. Mr. Parker explained that it would not be  
87 permissible with the way the addition of the inflatable sign Code is currently written, but if it is  
88 changed and defined by parking spots, then it would be permissible. Mr. Parker stated that he  
89 would make a change for the restriction to “cannot take up more than five spaces or 30% of  
90 required parking, whichever is more restrictive”.

91  
92 Allen Parker explained that the sections for monument signs, pole signs, multi- tenant  
93 commercial signs and temporary signs, added verbiage that talks about the clear vision triangle.  
94 The temporary signs also replaced the entity that approves from the “Building Official” to  
95 “Vernal City”. Projecting signs section changes the height from sixteen feet to fourteen feet.  
96 The copy says twelve feet and will be changed to fourteen feet. Also, added to that section was  
97 the word “projecting” under Density. Public necessity signs section added “for all signs in or

adjacent to the public right-of-way". Removal and Repair section replaced "Building Official" with "Vernal City". Not all sign approvals will be based on building or safety issues. If there is a violation of some other code it would go to someone else like the Zoning Official. Permit requirements section was cleaned up. Replaced "therefore" with "for said sign". Eliminated "except for temporary signs", which is addressed in another section. All signs will need to go through the permitting process. The question was raised about political signs and real estate signs. Do they have a time limit? Mr. Parker stated that they are addressed in the full temporary sign section. Only the portion of the temporary sign section that is being changed was included with the request. Political signs have a time limit after an election. Real Estate signs have no time limit on how long they can be up and are not regulated. Kimball Glazier opened the Public Hearing to receive public comment. There being no public comment, Mr. Glazier closed the Public Hearing. *Rory Taylor moved to table the request for recommendation to consider amending the Vernal City Municipal Planning & Zoning Code – chapter 16.28 – signs. Mr. Parker stated that the Commission could make a positive recommendation and forward to the City Council with the changes if the Commission would feel comfortable with that decision. Rory Taylor stated he would like to amend his motion and moved to forward a positive recommendation to the City Council for the request for recommendation to consider amending the Vernal City Municipal Planning & Zoning Code – chapter 16.28 – signs with changes as noted. Jim Linschoten seconded the motion. The motion passed with Kimball Glazier, Rory Taylor, Kathleen Gray, Jim Linschoten, Ken Latham, Samantha Scott and Brock Smith voting in favor.*

**REQUEST FOR RECOMMENDATION TO APPROVE THE FINAL PLAT FOR THE NICK RICHINS SUBDIVISION – 2016-001-SUB – ALLEN PARKER:** Allen Parker reviewed the plat with the Commission. The RA-1 zone is located at 589 West 500 South and 509 West 500 South there are five lots residential lots that are proposed for the subdivision. The two existing lots will be divided into five lots with one remnant lot. The remnant lot is located on the North end of the property. It is zoned commercial and will be divided into lots in the future. Mr. Parker stated that staff and engineering have reviewed the request and found a couple corrections which have been rectified. The plat is an approvable plat and ready to forward a recommendation to the City Council. *Rory Taylor moved to forward a positive recommendation to the City Council for the final plat for the Nick Richins subdivision located at 509 South 500 West and 589 South 500 West, Vernal, Utah - Application No. 2015-020-SUB. Samantha Scott seconded the motion. The motion passed with Kimball Glazier, Rory Taylor, Kathleen Gray, Jim Linschoten, Ken Latham, Samantha Scott and Brock Smith voting in favor.*

**ADJOURN:** There being no further business, *Kathleen Gray moved to adjourn. Samantha Scott seconded the motion. The motion passed with a unanimous vote, and the meeting was adjourned.*

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Kimball Glazier, Planning Commission Chair



Adding "Data Center" as a use.

#### Chapter 16.04 DEFINITIONS

**Section 16.04.173 Data center.** A facility used to house and maintain electronic hardware whose primary function is the storage, management, and dissemination of electronic data.

#### Chapter 16.20 SPECIFIC USE REGULATIONS

##### **Section 16.20.250 Data center.**

**A. Data centers shall comply with the following requirements:**

1. Data centers must be separated from any existing residential use by a minimum of three hundred (300) feet.
2. A six foot sight obscuring fence shall be required along all property lines abutting a residential zone. Such fence shall not violate the clear vision triangle as defined in Vernal City Code.
3. On any site that abuts a residential zone or is within three hundred (300) feet of a hotel or motel, all electrical generators shall be enclosed behind a solid wall a minimum of two (2) feet higher than the highest point on the generator.

#### Chapter 16.26 OFF-STREET PARKING AND VEHICLE ACCESS STANDARDS

##### **Section 16.26.120 Parking space requirements--Nondwelling.**

|                           |   |
|---------------------------|---|
| Bowling alleys            | Four (4) spaces for each bowling lane   |
| <b>Data Center</b>        | <b>One (1) space for each 1000 sq.ft. of gross floor area.</b>  |
| Churches & accessory uses | One (1) space for each 4 seats in the chapel or main assembly area or if there are no fixed seats, then one (1) space for each 100 sq.ft. of floor space used for main assembly area. 18 linear inches of bench space shall be considered a fixed seat. |

#### Chapter 16.48 C-2 AND CC-1 COMMERCIAL ZONES

##### **Section 16.48.030 Uses.**

|                         |          |          |
|-------------------------|----------|----------|
| Dance hall              | C        | C        |
| <b>Data Center</b>      | <b>P</b> | <b>P</b> |
| Drive-Up Window Service | P        | P        |

#### Chapter 16.50 CP-2 AND CCP-1 PLANNED COMMERCIAL ZONES

## Chapter 16.52 I-I INDUSTRIAL ZONES

### Section 16.52.040 Uses.

|                         |   |
|-------------------------|---|
| Day-care nurseries      | N |
| Data Center             | P |
| Drive-Up Window Service | P |

**ORDINANCE NO. 2016-01**

**AN ORDINANCE AMENDING THE VERNAL CITY MUNICIPAL CODE, REPEALING SECTIONS 9.32.020, 16.24.055, 16.24.080, AMENDING SECTION 16.04.240 AND ADDING SECTION 16.20.350.**

**WHEREAS**, the City Council finds that the regulation of fencing requirements within new the City is necessary for orderly growth and conduct of business within the City, and;

**WHEREAS**, the City Council deems it to be in the best interest of the health, safety and welfare of the citizens to incorporate the following changes to the provisions of the Vernal City Code, and;

**WHEREAS**, the City Council has received input from the public at large in duly noticed open meetings, and has considered and discussed the advantages and disadvantages of such regulation.

**BE IT ORDAINED BY THE CITY COUNCIL OF VERNAL CITY, UTAH AS FOLLOWS:**

**Section 1. Section 9.32.020 is hereby repealed in its entirety**

**9.32.020 Barbed wire and similar fences prohibited.**

~~A. It is unlawful to erect or maintain a barbed wire fence, or to cause the same to be erected or maintained; provided, however:~~

~~1. Barbed wire may be used at the top of a fence not otherwise constructed with barbed wire if the barbed wire is not closer than six (6) feet to the ground. This subdivision shall not apply to a fence which is located on a common boundary between residential lots.~~

~~2. Barbed wire may be used as part of a fence which is closer than six (6) feet to the ground if the fence encloses a lot or pasture which is used at least six (6) months in each calendar year to lawfully maintain one or more horses, cows, sheep or other domestic animals of similar size. (Added during 1993 recodification)~~

**Section 2. Section 16.04.240 is hereby amended to read as follows**

**16.04.240 Fence.**

A tangible barrier or obstruction of any material with the purpose or intent, or having the effect of preventing passage or view across the fence line. It includes hedges and walls. (PZSC § 03-15-048)

**Section 3. Section 16.24.055 is hereby repealed in its entirety**

**16.24.055 Fencing for multi-family developments.**

~~A. This section shall apply to multifamily developments having five (5) or more dwelling units.~~

~~B. A fence shall be erected around the perimeter of multifamily developments in accordance with the following:~~

- ~~1. The fence shall be sight obscuring;~~
- ~~2. The fence shall be six (6) feet in height;~~
- ~~3. The fence shall not be required along any road frontage;~~
- ~~4. The fence shall not impede the view of vehicular traffic in a way that would create a hazard to the public.~~

~~C. The Planning Commission may waive the fencing requirement in accordance with the following:~~

- ~~1. The required fence is immediately adjacent to another multi-family development, and~~
- ~~2. The owner of the adjacent multi-family development consents in writing to the waiver of the fencing requirement.~~

~~D. The fence shall be built in accordance with all other City ordinances.~~

**Section 4. Section 16.24.080 is hereby repealed in its entirety**

**16.24.080 Fence height requirements.**

~~A. No fence or other similar structure shall be erected in any required front yard of a dwelling to a height in excess of four (4) feet; nor shall any fence or other similar structure be erected in any side yard or rear yard to a height in excess of seven (7) feet except when authorized by a conditional use permit. Rear yards abutting against a front yard may not have a fence, hedge, or blockwall erected higher than four (4) feet except as allowed by a conditional use permit.~~

~~B. For dwellings on corner lots, fences other than see thru fences erected in the side yard and rear yard bordering on a street shall be limited to a height of four (4) feet, unless a clear vision triangle, as defined herein, is maintained at all street intersections and automobile street accesses.~~

~~C. Where a fence is erected upon a retaining wall or where, for other reasons, there is a difference in the elevation of the surface of the land on either side of a fence, height of the fence shall be measured from a point halfway between the top of the retaining wall and the land on either side of the fence, but nothing herein contained shall be construed to restrict a fence to less than four (4) feet in height measured from the surface of the land on the side having the highest elevation. (PZSC § 03-11-008)~~

~~D. Temporary fences up to eight (8) feet in height of a see through type may be erected in any zone for construction and/or demolition purposes. Application for a temporary use permit shall be required as outlined in Section 16.24.150 of this Title.~~

~~E. Building permits shall be required and obtained from the Building Official for the construction of all fences prior to any fence being constructed.~~

~~F. In addition, all fences must meet the specific requirements of the zone in which it is constructed as defined herein.~~

~~(Ord. No. 94-15, Amended, 07/14/94; Ord. No. 96-07, Amended, 03/20/96; Ord. No. 97-01, Amended, 07/02/97)~~



**Section 5. A new Section 16.20.350 is hereby added to read as follows**

**16.20.350 Fences.**

**A. Parcels with up to four (4) dwelling units**

1. Fences in front yards or abutting a front yard on an adjoining parcel shall be limited to four (4) feet in height.

2. Except as provided in section C, fences in rear and side yards shall be limited to seven (7) feet in height.

**B. Parcels with more than four (4) dwelling units**

1. A fence shall be erected around the perimeter of multifamily developments in accordance with the following:

a. The fence shall be sight obscuring, and;

b. Except as provided in section C, the fence shall be a minimum of six (6) feet and a maximum of seven (7) feet in height, except any fence in a front yard or abutting a front yard on an adjoining parcel shall be limited to four (4) feet in height, and;

c. The fence shall not be required along any road frontage;

2. The Planning Commission may waive the fencing requirement in accordance with the following:

a. The required fence is immediately adjacent to another multi-family development, and ;

b. The owner of the adjacent multi-family development consents in writing to the waiver of the fencing requirement.

3. The fence shall be built in accordance with all other City ordinances.

**C. Fences exceeding seven (7) feet on residential parcels.**

1. On parcels with a residential use, fences in excess of seven (7) feet may be allowed as a conditional use in accordance with the following:

a. The fence must be in a side or rear yard.

b. The fence must not abut a front yard on any other adjoining parcel.

2. In considering a fence as a conditional use, the following items shall be evaluated:

a. The extent to which the fence obstructs visibility from adjacent parcels and structures, and;

b. Any potential safety risks caused by the additional height of the fence.

**D. Parcels with a non-residential use**

**E. Barbed Wire Fences**

1. It is unlawful to erect or maintain a barbed wire fence, or to cause the same to be erected or maintained; provided, however:

a. Barbed wire may be used at the top of a fence not otherwise constructed with barbed wire if the barbed wire is not closer than six (6) feet to the ground. This provision shall not apply and no barbed wire shall be used in the construction of a fence that is located on a common boundary between residential lots.

b. Barbed wire may be used to construct any part of a fence that encloses a lot or pasture which is used at least six (6) months in each calendar year to lawfully maintain any number of horses, cows, sheep or other domestic animals of similar size.

**F. Temporary fences**

1. Temporary fences up to eight (8) feet in height of a see through type may be erected in any zone for construction and/or demolition purposes. Application for a temporary use

permit shall be required as outlined in Section 16.24.150 of this Title.

G. All fences shall not obstruct the clear vision triangle as defined in Vernal City Code.

H. Building permits required

1. With the exception of temporary fences, a building permit shall be required for the construction of a fence.

**SECTION A. REPEALER.** All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code are hereby repealed.

**SECTION B. SEVERABILITY.** The provisions of this ordinance shall be severable and if any provision thereof or the application of such provision under any circumstances is held invalid and it shall not affect the validity of any other provision of this ordinance or the application in a different circumstance.

**SECTION C. EFFECTIVE DATE.** This ordinance shall take effect the day after publication the \_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Mayor Sonja Norton

ATTEST:

\_\_\_\_\_  
Kenneth L. Bassett, City Recorder

( S E A L )

Date of Publication: \_\_\_\_\_